

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

ANNETTE LINDSEY, )  
Plaintiff, )  
                  )  
v.                 )              CIVIL NO. 1:10-CV-00038-JAW  
                  )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
Defendant.         )

**ORDER AFFIRMING THE RECOMMENDED DECISION OF THE MAGISTRATE  
JUDGE AND ORDER ON PLAINTIFF'S AMENDED SUPPLEMENTAL MOTION FOR  
ATTORNEYS FEES**

No objection having been filed to the Magistrate Judge's Recommended Decision filed July 25, 2011, the Recommended Decision is accepted. Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's March 3, 2011, Judgment remanding this case to the defendant Commissioner for further administrative proceedings, the Court GRANTS Plaintiff's EAJA Application in the amount of four thousand seven hundred and twenty-five dollars (\$4,725.00) and Plaintiff's Amended Supplemental EAJA Application in the amount of eight hundred and twenty dollars and forty-five cents (\$820.45),

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of five thousand five hundred and forty-five dollars and forty-five cents (\$5,545.45) in full satisfaction of any and all attorney's fee and expense claims Plaintiff may have in this case under EAJA. Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as

the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor the Plaintiff's February 18, 2010, signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff, rather than to counsel.

SO ORDERED this 18<sup>th</sup> day of August, 2011

/s/John A. Woodcock, Jr.

John A. Woodcock, Jr.

Chief United States District Judge